

FILED
Clerk
District Court

DEC - 3 2007

PROB 12C
(12/04)

UNITED STATES DISTRICT COURT

for

District of Northern Mariana Islands

For The Northern Mariana Islands
By _____
(Deputy Clerk)

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Steven Villagomez Pangelinan Case Number: CR 95-00024-005Name of Sentencing Judicial Officer: The Honorable Alex R. MunsonDate of Original Sentence: June 7, 1996Original Offense: Possession with Intent to Distribute a Scheduled II Controlled Substance, 21 U.S.C. § 841 (a)(1); Conspiracy to Possess with Intent to Distribute a Scheduled II Controlled Substance, 21 U.S.C. § 846

Original Sentence: 33 months imprisonment followed by five years supervised release with conditions to include that the defendant participate in a treatment program approved by the U.S. Probation Office for substance abuse, and that he pay a fine of \$25,000. **Conditions modified on September 25, 1999** to include that he refrain from alcohol, seek and maintain gainful employment, obtain a high school equivalency diploma, and perform 100 hours of community service. **Supervised release was revoked on January 25, 2000, and the defendant was sentenced to nine months imprisonment followed by a 51 month term of supervised release** with conditions that he not commit another federal, state, or local crime, comply with the standard conditions of supervised release; not possess, use, distribute or administer any controlled substances; refrain from the use of any alcohol; participate in a substance abuse program approved by the U.S. Probation Office, which will include testing; seek and maintain gainful employment; obtain a high school equivalency diploma during the term of his supervised release; perform 100 hours of community service under the direction of the U.S. Probation Office; pay a \$50 special assessment fee and \$25,000 fine. **Conditions modified on June 19, 2001** to include that the defendant report to the Probation Officer once a week at a time set by the Probation Officer and continue with that schedule until such time as the Probation Officer revises the schedule; register at the Northern Marianas College GED program and obtain his GED; pay \$50 monthly toward his fine until he obtains employment and is able to pay more per month as determined by the Probation Officer; abstain from any use of alcohol; and perform 140 hours of community service under the direction of the U.S. Probation Office, and shall work 24 hours every week at the National Park Service at American Memorial Park until the balance of his community service is satisfied. **Conditions modified on February 28, 2003** to include an additional 100 hours of community service. **Conditions modified on October 15, 2004** to include: refrain from any gambling involving money; refrain from entering any poker establishments; and perform an additional 100 hours of community service under the direction of the U.S. Probation Office. **Supervised release was revoked on February 4, 2005** for one day and conditions of release amended to include that supervised release will terminate on the date the offender obtains his GED and pays off his entire fine balance. **Amended on May 30, 2007** to include three months of home detention on electronic monitoring.

Type of Supervision: Supervised Release Date Supervision Commenced: July 4, 2004Assistant U.S. Attorney: Craig Moore Defense Attorney: F. Matthew Smith

PETITIONING THE COURT

- ☒ To issue a warrant
☐ To issue a summons

Prob 12C
(12/04)

The probation officer believes that the offender has violated the following condition(s) of supervision, in violation of 18 U.S.C. §3583(d):

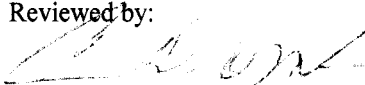
<u>Violation Number</u>	<u>Nature of Noncompliance</u>
Special Condition #1	Failure to participate in a program approved by the probation office for substance abuse which may include but is not limited to random urinalysis.
Special Condition #2	Failure to report to the probation officer once a week at a time set by the probation officer and shall continue with that schedule until such time as the probation officer revises that schedule.
Special Condition #3	Failure to obtain a high school diploma or its equivalent.
Standard Condition #1	Failure to submit a truthful and complete written report within the first five days of each month.
Standard Condition #2	Failure to follow the instructions of the probation officer.

U.S. Probation Officer Recommendation:

- ☒ The term of supervision should be
- ☒ revoked.
- ☐ extended for _____ years, for a total term of _____ years.
- ☐ The conditions of supervision should be modified as follows:

***Please see attached Declaration in Support of Petition,
Re: Violations of Supervised Release, Request for a Warrant of Arrest
written by
U.S. Probation Officer Melinda N. Brunson.***

Reviewed by:


CARMEN D. O'MALLAN
U.S. Probation Officer Specialist
Supervision Unit Leader


Date: 11/30/07

Reviewed by:


CRAIG MOORE
Assistant U.S. Attorney

Date: 12/3/07


I declare under penalty of perjury that the foregoing is true and correct.


MELINDA N. BRUNSON
U.S. Probation Officer

Executed on: 11/30/07

THE COURT ORDERS:

- ☐ No action.
- ☒ The issuance of a warrant.
- ☐ The issuance of a summons.
- ☐ Other:


ALEX R. MUNSON
Chief Judge
District of the Northern Mariana Islands
12-3-07
Date

**UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS**

UNITED STATES OF AMERICA,)	CRIMINAL CASE NO. 95-00025-005
)	
Plaintiff,)	
)	DECLARATION IN SUPPORT OF PETITION
vs.)	
)	
STEVEN VILLAGOMEZ PANGELINAN,)	
)	
Defendant.)	
_____)	

Re: Violations of Supervised Release Conditions; Request for a Warrant of Arrest

I, U.S. Probation Officer Melinda N. Brunson, am the U.S. Probation Officer temporarily assigned to supervise the Court-ordered conditions of supervised release for Steven Villagomez Pangelinan during the absence of his assigned officer, U.S. Probation Officer Margarita Wonenberg, and in that capacity declare as follows:

On June 7, 1996, Steven V. Pangelinan was sentenced to 33 months in prison and five years of supervised release for the offense of Conspiracy to Possess and Possession with Intent to Distribute a Scheduled II Controlled Substance. Special conditions of supervised release included participation in a drug treatment program, pay a fine of \$25,000, and a Special Assessment fee of \$50. Mr. Pangelinan's conditions of supervised release were modified on five different occasions: August 25, 1999, when he was ordered to seek and maintain gainful employment, obtain a high school equivalency diploma during the term of his supervised release, and perform an additional 100 hours of community service; June 15, 2001, when he was ordered to report to the probation officer once a week at a time set by the probation officer and to continue with that schedule until such time as the Probation Officer revises the schedule, register at the Northern Marianas College GED program and obtain his GED, pay \$50 monthly toward his fine until he obtains employment and is able to pay more per month as determined by the U.S. Probation Officer, abstain from any use of alcohol, and perform 140 hours of community service; February 28, 2003 when an additional 100 hours of community service was imposed; October 15, 2004 when another 100 hours of community

DECLARATION IN SUPPORT OF PETITION

Violations of Supervised Release Conditions; Request for a Warrant of Arrest

Re: PANGELINAN, Steven Villagomez

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service was imposed and Mr. Pangelinan was ordered to refrain from any gambling involving money, and from entering any poker establishment; and on March 30, 2007, when Mr. Pangelinan was ordered to serve home detention on an electronic monitor for three months.

In addition to the multiple sanctions that the Court imposed on Mr. Pangelinan, his supervised release conditions were revoked on January 25, 2000 and he was sentenced to nine months in prison. On February 23, 2005, he was sentenced to time served of one day. The Court re-imposed previously ordered supervised release conditions and added one more condition, that if the defendant obtains his GED and pays off the entire fine balance, his supervision will terminate. Mr. Pangelinan is hereby alleged to have violated the following conditions of supervision:

Special Condition #1: *That the defendant participate in a program approved by the probation office for substance abuse which may include but is not limited to random urinalysis.*

On October 23, 2007, this officer met with Mr. Pangelinan at his residence and instructed him to report to the U.S. Probation Office the following day for a drug test. Mr. Pangelinan failed to report and did not call to explain his failure to appear. On October 24, 2007, this officer again visited Mr. Pangelinan's residence, however, he was not home. A note was left with his housekeeper with instructions for Mr. Pangelinan to report the following morning for a drug test. On the morning of October 25, 2007, Mr. Pangelinan reported to the U.S. Probation Office and submitted to a drug test, which was negative.

Mr. Pangelinan missed scheduled urinalysis tests on October 28 and 29, 2007 at the Marianas Psychiatric Services office in Susupe, Saipan. On November 8, 2007, after several unsuccessful attempts to contact Mr. Pangelinan via telephone, this officer confronted him at his residence about the missed tests. Mr. Pangelinan explained that on October 28, 2007, he reported for urinalysis, but MPS staff were not present. He admitted that he failed to report to the U.S. Probation Office the following day as required by the U.S. Probation Drug Testing Policy. Additionally, he admitted that he failed to call the designated UA phone number on October, 29, 2007 and was therefore unaware that he was scheduled for testing that evening.

While at Mr. Pangelinan's residence on November 8, 2007, he was asked to submit to a urinalysis. Mr. Pangelinan made an attempt, however, was unable to produce a sample because he was "nervous." This officer gave Mr. Pangelinan explicit instructions to report to the U.S. Probation Office that same day between 4:00 pm and 5:00 pm for a drug test. Mr. Pangelinan failed to report to the office and failed to call to explain his absence

Special Condition #2: *That the defendant report to the probation officer once a week at a time set by the probation officer and shall continue with that schedule until such time as the probation officer revises that schedule.*

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Mr. Pangelinan completed his three month term of home detention on August 23, 2007. He has failed to report to the probation officer on a weekly basis. To this officer's knowledge, Mr. Pangelinan's probation officer, Margarita Wonenberg, did not revise his reporting schedule.

Special Condition #3: *That the defendant shall obtain a high school diploma or its equivalent.*

On November 29, 2007, Ms. Lorraine Cabrerra, Adult Basic Education (ABE) State Director, informed this officer that on May 30, 2007 Mr. Pangelinan registered for at the Northern Mariana Islands for an ABE writing class but he failed to attend it.

Standard Condition #1: *The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month.*

Mr. Pangelinan failed to submit monthly supervision reports for the months of September and October 2007.

Standard Condition #2: *The defendant shall answer all inquiries by the probation officer and follow the instructions of the probation officer.*

On October 23, 2007, Mr. Pangelinan failed to follow instructions by this officer to report to the U.S. Probation Office the following morning for a drug test.

On October 29, 2007, Mr. Pangelinan failed to follow instructions of the U.S. Probation Drug Testing Policy when he did not report to the U.S. Probation Office after his missed drug test the prior day.

On October 29, 2007, Mr. Pangelinan failed to follow instructions of the U.S. Probation Drug Testing Policy when he did not call the UA phone line and missed a scheduled drug test.

On November 8, 2007, Mr. Pangelinan failed to follow instructions of this officer when he was instructed to report to the U.S. Probation Office that same day between 4:00 pm and 5:00 pm for a drug test.

Supervision Compliance: Mr. Pangelinan is employed as a boat captain aboard the Santa Rosa II. His employer, Mr. Kevin Hwang, confirmed that although work has been slow due to the weak economy, Mr. Pangelinan reports to work when needed. Mr. Pangelinan completed his community service at the National Park Service in September 5, 2006. He continues to make monthly payments towards his fine.

DECLARATION IN SUPPORT OF PETITION

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Officer Recommendation: This probation officer respectfully requests that the Court issue a Warrant for Steven Villagomez Pangelinan to appear at a hearing scheduled by the Court, and during that hearing, he be held to answer or show cause why supervise release in this case should not be revoked, or for any reason or cause which the Court may deem just and proper pursuant to 18 U.S.C. § 3583.

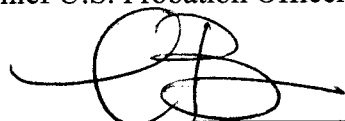
Executed this 30th day of November 2007, at Saipan, MP, in conformance with the provisions of 28 U.S.C. § 1746.

I declare, under penalty of perjury, that the foregoing is true and correct, except those matters stated upon information and belief, and as to those matters, I believe them to be true.

Respectfully submitted,


ROSSANNA VILLAGOMEZ-AGUON
Chief U.S. Probation Officer

By:



MELINDA N. BRUNSON
U.S. Probation Officer

Reviewed by:



CARMEN D. O'MALLAN
U.S. Probation Officer Specialist
Supervision Unit Leader

cc: Craig Moore, Assistant United States Attorney
F. Matthew Smith, Defense Attorney
File